

Served: November 12, 1998



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 9th day of November, 1998

Applications of

FALCON AIR EXPRESS, INC.

for amendment of its certificates of public convenience and
necessity

**Dockets OST-95-676
OST-95-677**

ORDER DISMISSING APPLICATIONS

Falcon Air Express, Inc., holds certificates authorizing it to provide interstate and foreign charter passenger air transportation using one aircraft.¹ On November 4, 1996, the carrier filed applications in Dockets OST-95-676 and OST-95-677 requesting that the Department remove the one-aircraft restriction. Since then, at Falcon's request, the Department has granted the carrier exemption authority to increase its fleet up to four aircraft.² In granting this authority, we deferred action on Falcon's certificate amendment applications to allow us the opportunity to monitor the company's operations with the four aircraft already authorized by exemption before deciding whether to increase the aircraft limitation or remove the restriction entirely. At present, Falcon is operating three B-727 aircraft.

On October 15, 1998, Falcon advised the Department that it wished to withdraw its applications for amendment of its certificates at this time. We will grant Falcon's request without prejudice to the carrier's filing a new application at some future date. Nothing in our action here precludes Falcon from operating the four aircraft previously authorized by exemption.

¹ See Order 96-4-32, served April 16, 1996. The one-aircraft limitation was imposed for two reasons: the carrier's limited financial resources and its relatively inexperienced management team at the time of its initial fitness finding.

² See Order 97-2-5, issued February 10, 1997, and Order 97-10-6, issued October 7, 1997.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We dismiss, without prejudice, the applications filed on November 4, 1996, by Falcon Air Express, Inc., in Dockets OST-95-676 and OST-95-677, requesting amendment of its certificates of public convenience and necessity.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

JOHN V. COLEMAN
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(SEAL)

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